



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

WMP  
Docket No: 2443-02  
4 September 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 August 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 7 July 1999 for four years at age 20. The record reflects that on 31 July 2001 you submitted a request for separation due to conscientious objection.

On 13 August 2001, you were advised of your rights concerning a conscientious objector hearing and elected to personally appear before the hearing, to submit additional evidence, to question any witnesses who may appear, and to examine all items in your file.

On 16 August 2001, an investigation concerning your request for separation was completed. The investigation essentially found that your religious beliefs were not "deeply held," and recommended that your application be denied. On 21 August 2001,

you forwarded a rebuttal to the investigation report to the commanding officer.

On 30 August 2001 the commanding officer forwarded your request for separation, recommending disapproval, to the Navy Personnel Command (NPC). However, NPC approved your request for separation and on 2 November 2001, you were discharged by reason of conscientious objection, and assigned an RE-4 reenlistment code.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity and your contention that you are no longer a conscientious objector. However, the Board concluded that the reenlistment code was assigned based on your statement that you were a conscientious objector and your specific request for discharge from the Naval service. Additionally, an RE-4 reenlistment code is authorized when an individual is separated by reason of conscientious objection. Therefore, you were treated no differently than other personnel in the same circumstances. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director